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Executive Registry

8-5936

25X1

7 August 1956

MEMORANDUM FOR: Deputy Director (Plans)

25X1 SUBJECT: Policy Authorization for Future Satellite Overflights

1. This memorandum calls to your attention an important matter and suggests that you convene, and chair, a meeting in the near future further to discuss it.

2. The question of continuing aircraft overflights of certain satellite countries [redacted] was discussed at length on 3 August at a meeting attended by Mr. Francis Stevens, Mr. Higgs and Mr. Halick of the Department of State and [redacted]

25X1 [redacted] and myself for CIA. The question was raised by the inclusion in the Satellite Paper of a paragraph stating such overflights should be continued.

3. I stressed the point, which I had previously made extensively and emphatically with Mr. Higgs and Mr. Halick, that our capability for conducting overflights was something which could not be maintained long in a state of readiness unless it was actually put to use; consequently, the Department's off-again-on-again, but mostly off-again, policy with respect to these overflights was causing great practical difficulty with respect to the people involved in maintaining this capability and, if continued much longer, would result in its atrophy.

4. I further noted that, from a psychological, political and diplomatic viewpoint, the risks inherent in the overflight program weighed increasingly heavily in the balance against the advantages gained from it. Until about six months ago, I had been prepared to defend [redacted] on the basis that its overall psychological value outweighed the overall risk, albeit by a narrow margin. In the present climate of world opinion, however, I could not in judgement and in conscience take the same position with respect solely to the psychological aspects of the program. Although I felt 25X1 the [redacted] did have merit, I felt that, from a strictly

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25X1 psychological standpoint, additional consideration must be given to the increasing danger that [redacted] would result in serious diplomatic repercussions, that it would have damaging counter-productive effects in the uncommitted areas and in western Europe, that it might well severely embarrass certain of our allies, and that it most probably would produce unhappy domestic reactions.

5. For the foregoing reasons, I said, I felt the entire question should be subjected to searching and basic review, culminating in a high level decision as to whether the program should be continued, or whether it should be discontinued and steps taken to put the capability on a standby basis, if possible. In this connection I noted that considerations other than those of a political and psychological nature need be taken into account. Firstly, the overflight program had produced some intelligence of value and would produce more in the future with new equipment becoming available; this intelligence, we previously had considered [redacted]

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25X1 ation; as matters now stood, it was an important factor to weigh in the balance. Secondly, the conduct of these operations was providing us [redacted] with important practical experience, leading to the development of certain tactical doctrine which would be of value in a hot war situation.

25X1 [redacted]

25X2 7. [redacted] pointed out that, as an operator, he was placed in a very difficult position by being made responsible for the conduct of a program which he could not carry out because ad hoc bans were placed against it most of the time. I remarked that I considered myself in the same boat. I said I had tried to live with the existing situation, but felt that the time had come for a firm decision one way or the other.

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25X1 8. I do not feel that I need elaborate to you the reasons for my increasing concern about the risk of these operations, and for the purpose of this memorandum I shall only note that they impinge upon certain interests of Mr. Bissell. As a preliminary to the establishment of an Agency position in this matter I suggest that you authorize, and chair, a meeting which should be attended by [redacted] or Mr. Karamessines, [redacted], Acting Chief [redacted] [redacted] myself and hopefully Mr. Bissell or a duly authorized and briefed representative. If you agree, I will lay on such a meeting. Meanwhile, [redacted] I will pull together certain background data for discussion.

SIGNED

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Chief
Psychological and Paramilitary Staff

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TO	NAME AND ADDRESS	INITIALS
1	Special Assistant to the Director for Planning	
2	Admin	
3	25X1	
4		
5		
6		
ACTION	DIRECT REPLY	PREPARE REPLY
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COMMENT	FILE	RETURN
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Remarks:

Dick: Pete Scoville can give you the genesis
of this in Killian's office and the NSC.

L.R.Houston

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FROM: NAME, ADDRESS, AND PHONE NO.	DATE
General Counsel	East
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A BILL

To provide for research into problems of flight within
and outside the earth's atmosphere and for other
purposes.

1 Be it enacted by the Senate and House of Representatives
2 of the United States of America in Congress assembled, That
3 this Act may be cited as the National Aeronautics and Space
4 Act of 1958.

5 DECLARATION OF POLICY

6 SEC. 2. The Congress hereby declares that the general
7 welfare and security of the United States require that adequate
8 provision be made for research into, and the solution of,
9 problems of flight within and outside the earth's atmosphere
10 and that provision also be made for the development, testing,
11 and operation of aircraft, missiles, satellites and other
12 space vehicles, manned and unmanned, together with associated
13 equipment and devices. The Congress further declares that
14 such activities should be conducted so as to contribute
15 materially to one or more of the following policy objectives:
16 (1) the expansion of human knowledge of phenomena in the
17 atmosphere and space, (2) the improvement of the usefulness,

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1 speed, safety and efficiency of aircraft, (3) the develop-
2 ment and operation of vehicles capable of carrying
3 instruments, equipment, and living organisms into space,
4 (4) the preservation and enhancement of the prestige of the
5 United States among the nations and peoples of the world
6 as a leader in aeronautical and space science and technology,
7 (5) the making available to agencies directly concerned with
8 national security of discoveries that have military value
9 or significance, (6) cooperation with other nations in work
10 done pursuant to this Act and in the peaceful application
11 of the results thereof, (7) civilian conduct and control
12 over the space and aeronautical research sponsored by the
13 United States, except insofar as such research may be in
14 direct response to military requirements or serves purposes
15 peculiar to or primarily associated with weapons systems
16 or military operations, and (8) the most effective
17 utilization of the scientific and engineering resources
18 of the United States and the avoidance of duplication of
19 facilities and equipment.

20 NATIONAL AERONAUTICS AND SPACE AGENCY

21 SEC. 3. There is hereby established the National
22 Aeronautics and Space Agency, hereinafter called the "Agency."

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1 The Agency shall be headed by a Director who shall be
2 appointed by the President by and with the advice and
3 consent of the Senate, and who shall receive compensation
4 at the rate of \$22,500 per annum. The Director shall be
5 the chief officer of the Agency and except as otherwise
6 provided in this Act shall exercise the functions of the
7 Agency. The Director may from time to time make such
8 provisions as he may deem appropriate authorizing the
9 performance by any officer, employee, or administrative
10 unit under his jurisdiction of any of his functions under
11 this Act.

12 NATIONAL AERONAUTICS AND SPACE BOARD

13 SEC. 4. (a) There is hereby established the National
14 Aeronautics and Space Board which shall be composed of not
15 to exceed 17 members appointed by the President, no more
16 than eight of whom shall be from appropriate departments
17 or agencies of the Government of the United States
18 including at least one who shall be from the Department
19 of Defense. Persons appointed to the Board other than
20 those appointed from the Government shall be eminent in
21 science, engineering, technology, or education and shall
22 be selected solely on the basis of established records of

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1 distinguished achievement. The Chairman of the Board shall
2 from time to time be designated by the President. Members
3 not from Government departments or agencies shall be
4 appointed for terms of four years from the date of
5 expiration of the terms of the members whom they succeed
6 except that in making initial appointments of such members
7 the President may make appointments for such shorter terms
8 as he deems appropriate.

9 (b) The members of the Board when away from their home or
10 their regular place of business in connection with the work
11 of the Board shall be paid travel expenses pursuant to the
12 Travel Expense Act of 1949 and per diem in lieu of subsistence
13 as authorized by law (5 USC 73 b-2) for persons in the
14 Government service employed intermittently. Members of the
15 Board not from Government agencies while attending meetings
16 of the Board and engaged in business of the Board shall
17 receive compensation not to exceed \$50 per day including
18 travel time.

19 FUNCTIONS OF THE BOARD

20 SEC. 5. (a) The Board shall meet at least four times
21 per year and shall advise the President and the Director
22 concerning policies and programs of the Agency. It shall

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1 make an annual report to the President and from time to
2 time may make such other reports as it deems appropriate.

3 (b) The Board may make recommendations to the President
4 with respect to the appointment of the Director, and the
5 Director shall not be appointed until the Board shall have had
6 a reasonable opportunity to make such recommendations.

7 (c) The Board shall be consulted by the Director prior
8 to -

9 (1) Initiation or substantial modification of
10 policies or programs of the Agency;

11 (2) Transmittal of any request for appropriations
12 to the Bureau of the Budget pursuant to the Budget and
13 Accounting Act, 1921, as amended;

14 (3) Establishment of major constituent
15 organizational units of the Agency and the assignment of
16 major functions or groups of functions thereto; and

17 (4) Appointment by the Director of the heads of
18 major constituent units.

19 FUNCTIONS OF THE AGENCY

20 SEC. 6. (a) The Agency shall -

21 (1) Determine problems relating to
22 aeronautics and the space sciences which should be attacked;

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- 1 (2) Plan, direct and conduct scientific studies
 - 2 and investigations of the problems of manned or unmanned
 - 3 flight within or outside the earth's atmosphere with a view
 - 4 to their practical solution;
 - 5 (3) Develop, test, launch and operate aero-
 - 6 nautical and space vehicles; and
 - 7 (4) Submit to the President for transmittal
 - 8 to the Congress an Annual Report of operations and ac-^{com}
 - 9 complishments.
- 10 (b) In performance of the above functions the Agency
- 11 is authorized -
- 12 (1) To make, promulgate, issue, rescind, and
 - 13 amend such rules and regulations as may be necessary to
 - 14 carry out the purposes of this Act;
 - 15 (2) Subject to the Civil Service laws, to
 - 16 select, appoint, employ, and, subject to such regulations
 - 17 as the President may prescribe and without regard to the
 - 18 Classification Act of 1949, as amended, and the Federal
 - 19 Employees Pay Act of 1945, as amended, fix and adjust, at
 - 20 rates which are reasonably competitive with rates paid by
 - 21 other employers for comparable work, compensation of such
 - 22 officers and employees as may be necessary to carry out the

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1 provisions of this Act;

2 (3) To acquire, construct, improve, repair,
3 operate and maintain laboratories, research and testing,
4 sites and facilities, manned and unmanned aeronautical
5 and space vehicles, quarters and related accommodations for
6 employees and dependents of employees of the Agency, and
7 such other real and personal property, or any interest
8 therein, as the Agency deems necessary, to sell, lease, or
9 otherwise dispose of such real and personal property, and
10 to operate cafeterias at its installations and to purchase
11 and maintain equipment therefor with receipts therefrom to
12 be deposited to a special fund in the Treasury there to
13 remain available for such operations, and purchase and
14 maintenance of equipment;

15 (4) Accept gifts or donations of services, money,
16 or of property, real, personal or mixed, tangible or
17 intangible, in aid of the authorized purposes of the Act;

18 (5) Without regard to section 3648 of the Revised
19 Statutes, as amended (31 USC 529) to enter into and
20 perform such contracts, leases, cooperative agreements,
21 or other transactions as may be necessary in the conduct
22 of its work and on such terms as it may deem appropriate,

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1 with any agency or instrumentality of the United States, or
2 with any State, territory or possession, or with any
3 political subdivision thereof, or with any person, firm,
4 association or corporation;

5 (6) To use with their consent the services, equipment
6 personnel, and facilities of Federal and other agencies
7 with or without reimbursement and on a similar basis to
8 cooperate with other public and private agencies and
9 instrumentalities in the use of the services, equipment
10 and facilities of the Agency;

11 (7) To appoint such advisory committees as shall be
12 appropriate for the purposes of consultation and advice
13 to the Agency in performance of its functions. Members
14 of advisory committees shall be entitled to travel expenses
15 and per diem authorized by the Act of August 2, 1946
16 (5 USC 73 b-2), for all persons employed intermittently
17 as consultants or experts receiving compensation on a per diem basis.

18 (8) To obtain services as authorized by section 15
19 of the Act of August 2, 1946 (5 USC 55 (a)) at rates not
20 to exceed \$100 per diem;

21 (9) When determined by the Director to be
22 necessary and subject to such security investigations as

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1 he may determine to be appropriate to employ aliens
2 without regard to statutory provisions prohibiting
3 the payment of compensation to aliens;
4 (10) To employ and compensate retired
5 commissioned officers of the United States at the rate
6 established for the positions so occupied by them within
7 the Agency, less the amount of their retired pay; Provided,
8 That, when the retired pay amounts to or exceeds the rate
9 of compensation established for the position occupied,
10 such person shall be entitled to the pay of the Agency
11 position, or the retired pay, whichever he may elect;
12 (11) With the approval of the President, to enter
13 into cooperative agreements under which members of the
14 Army, Navy, Air Force, and Marine Corps may be detailed
15 by the appropriate Secretary for services in performance
16 of functions under this Act to the same extent to which
17 they might be lawfully assigned in the Department of
18 Defense;
19 (12) To grant any employee of demonstrated
20 ability leave or leaves of absence from his regularly
21 designated duties for the purpose of allowing such
22 employee to receive training, or to carry on research or

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1 graduate study in institutions of learning, laboratories,
2 or industrial or commercial organizations, or other
3 appropriate organizations or institutions, foreign or
4 domestic, when such leave or leaves of absence will
5 contribute materially to the more effective functioning
6 of the Agency, to authorize employees to attend outside
7 meetings and to pay the whole or any part of the salaries
8 of such employees, costs of their transportation and per
9 diem in lieu of subsistence and charges incident to their
10 assignments (including tuition and other related fees).
11 The Agency may require any employee granted such leave
12 to make a definite statement, in writing, that he will
13 return to and, unless involuntarily separated, will
14 remain in the service of the Agency for a period equal to
15 three times the length of any time off with pay granted
16 without charge to annual leave for the purpose of such
17 training. Any employee who does not fulfill any such
18 commitment shall be required to reimburse the
19 Government for the amount of leave granted under this
20 subsection, transportation, per diem in lieu of
21 subsistence and other expenses incident to the training
22 paid by the Government during such training;

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1 (13) To consider, ascertain, adjust, determine,
2 settle, and pay, on behalf of the United States, any
3 claim for money damage of \$5,000 or less against the
4 United States for bodily injury, death, or damage
5 to or loss of real or personal property resulting
6 from the conduct of the Agency's program, where such
7 claim is presented to the Agency in writing within
8 one year after the accident or incident out of which
9 the claim arises; Provided, That the damage to or loss
10 of property or bodily injury or death shall not have
11 been caused in whole or in part by any negligence or
12 wrongful act on the part of the claimant, his agents,
13 or employees. Any such settlement under the authority
14 of this section shall be final and conclusive for all
15 purposes notwithstanding any other provisions of law
16 to the contrary;

17 (14) To conduct security investigations or arrange
18 with other agencies of the Government for the conduct
19 of such investigations of such employees of the Agency,
20 contractors and sub-contractors, and their employees,
21 as the Director deems necessary in the conduct of its
22 official duties;

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1 (15) As authorized or directed by the President to
2 participate in the work of international organizations and
3 to engage in such additional international activities,
4 including exchanges of information, as may advance the
5 purposes of this Act; and

6 (16) To direct such of its officers, and employees as
7 it deems necessary in the public interest to carry firearms
8 while in the discharge of their official duties. The
9 Agency may also authorize such of those employees of its
10 contractors engaged in the protection of property owned
11 by the United States and located at facilities owned by
12 or contracted to the United States, as it deems necessary
13 in the public interest, to carry firearms while in the
14 discharge of their official duties.

SECURITY

16 SEC. 7. (a) Notwithstanding the provisions of any
17 other law, the Director may authorize any member of the
18 Board or of an advisory committee established by the
19 Board, or any employee, contractor, or employee of a
20 contractor of the Agency to have access to Restricted Data,
21 as defined in the Atomic Energy Act of 1954, as amended,
22 which may be required in the performance of his duties, and

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1 to communicate such Restricted Data to any employee
2 of an agency of the Department of Defense or its
3 contractors or any member of the Armed Forces as may
4 be required in the performance of their duties; Provided,
5 That no person is permitted access to Restricted Data
6 except in accordance with established personnel security
7 procedures and standards that are in reasonable conformity
8 to the standards established by the Atomic Energy
9 Commission under section 145 of the Atomic Energy Act of
10 1954, as amended.

11 (b) Whoever willfully shall violate any regulation or
12 order as shall be promulgated by the Director for the
13 protection or security of any laboratory, station, base
14 or other facility, or part thereof, or any aircraft,
15 missile, spacecraft or similar vehicle existing, or
16 later conceived, or part thereof, or other property or
17 equipment in the custody of the Agency relating to the
18 ingress thereto or egress therefrom or otherwise providing
19 for safeguarding the same against destruction, loss, or
20 injury, shall be guilty of a misdemeanor and upon
21 conviction thereof shall be liable to a fine of not to
22 exceed \$5,000, or to imprisonment of not more than one

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1 year, or both. Every such regulation or order shall be
2 posted in conspicuous and appropriate places.

3 (c) Guards, or other officers, or employees of the
4 Agency designated by the Director are hereby empowered to
5 detain and arrest without warrant persons violating this
6 section where failure to arrest or detain might result
7 in the escape of persons violating the above section.
8 Section 114 of Title 18, United States Code, is hereby
9 amended by striking out "or any officer or employee of
10 the Indian field service of the United States," and
11 inserting in lieu thereof "any officer or employee of the
12 Indian field service of the United States, or any officer
13 or employee of the National Aeronautics and Space Agency
14 directed to guard and protect property of the United
15 States under administration and control of the National
16 Aeronautics and Space Agency."

17 CONFLICT OF INTERESTS

18 SEC. 8. Service of an individual as a member of an
19 advisory committee established by the Agency or as an
20 expert on a part-time or full-time basis, with or without
21 compensation shall not be considered as service or
22 employment bringing such individual within the provisions

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1 of section 281, 283, 284, 434, or 1914 of Title 18 of
2 the United States Code or section 190 of the Revised
3 Statutes (5 USC 99).

4 TRANSFER OF RELATED FUNCTIONS

5 SEC. 9. For a period of three years after the effective
6 date of this Act, the Agency with the concurrence of the
7 head of the department or agency concerned and with the
8 approval of the President may transfer to itself any
9 functions (including powers, duties, activities, facilities,
10 and parts of functions) of such department or agency or of
11 any officer or organizational entity thereof which relate
12 primarily to the functions of the Agency as set forth in
13 section 6 hereof. In connection with any such transfer
14 the President may provide for appropriate transfers of
15 records, property and necessary civilian personnel.

16 APPROPRIATIONS

17 SEC. 10. There are hereby authorized to be
18 appropriated without fiscal year limitation such sums~
19 as may be necessary and appropriate for the carrying out
20 of the provisions and purposes of this Act.

21 ABOLITION OF NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

22 SEC. 11. (a) The National Advisory Committee for

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1 Aeronautics is hereby abolished and all real and
2 personal property, personnel, funds, and records of
3 that organization are hereby transferred to the Agency.
4 Except as otherwise directed by the President, the
5 members of the National Advisory Committee for Aeronautics
6 shall serve as the members of the National Aeronautics and
7 Space Board until their successors are appointed by the
8 President as provided in section 4 of this Act.

9 (b) In Title 10 of the United States Code, section
10 2302 is amended by deletion of the phrase "or the Executive
11 Secretary of the National Advisory Committee for Aeronautics."
12 and by substitution therefor the phrase "or the Director of
13 the National Aeronautics and Space Agency.;" and, section
14 2303 is amended by deletion of the phrase "The National
15 Advisory Committee for Aeronautics." and by substitution
16 therefor the phrase "The National Aeronautics and Space
17 Agency."

18 (c) Section 1 of the Act of August 26, 1950
19 (5 USC 22-1), is amended by deletion of the phrase "National
20 Advisory Committee for Aeronautics" wherever it appears and
21 by substitution therefor the phrase "National Aeronautics
22 and Space Agency."

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1 (d) The Unitary Wind Tunnel Plan Act of 1949
2 (50 USC 511; 63 Stat. 936) is amended by deletion of
3 the phrase "The National Advisory Committee for
4 Aeronautics (hereinafter referred to as the "Committee"))"
5 and by substitution therefor the phrase "The National
6 Aeronautics and Space Agency (hereinafter referred to as
7 the "Agency"))" and by further deletion of the word
8 "Committee" wherever it appears and by substitution
9 therefor the word "Agency."